

SENATE, No. 2663

[December 23, 2010- Text of the Senate amendment (Ethics and Rules) to the House Bill relative to cutting down, trimming or removing bushes and small trees H.5121]

The Commonwealth of Massachusetts

In the Year Two Thousand and Ten

1 SECTION 1. Chapter 87 of the General Laws is hereby amended by adding the following
2 section:-

3 Section 14. (a) For the purposes of this section, “utility” shall mean a company engaging
4 in the distribution of electricity or owning, operating or controlling distribution facilities;
5 provided, however, that a distribution company shall not include any entity which owns or
6 operates plant or equipment used to produce electricity, steam and chilled water, or an affiliate
7 engaged solely in the provision of such electricity, steam and chilled water, where the electricity
8 produced by such entity or its affiliate is primarily for the benefit of hospitals and non-profit
9 educational institutions, and where such plant or equipment was in operation before January 1,
10 1986.

11 (b) A utility may, or at the request of the tree warden shall, submit an annual vegetation
12 management plan describing the maintenance work to be performed in a municipality. The plan
13 shall include, but not be limited to, a map of the circuits where the maintenance work will be
14 performed, the tree maintenance standards that will be followed and any foreseeable variance
15 from those standards. The plan shall comply with local ordinances and regulations. The plan
16 shall be submitted not less than 90 days prior to the date the utility proposes to begin its
17 maintenance work. Upon receipt of the plan, the tree warden, or a designee thereof, shall notify

the utility within 60 days, in writing, whether or not the plan has been approved. Upon receipt of written notification that the plan has been approved, or approved with modifications agreed to by both parties, a utility shall be exempt from the requirements of sections 3 and 5 for the work described in the approved plan.

(c) A utility may, or at the request of the tree warden shall, submit an annual hazard tree removal plan describing hazard tree removal work to be performed in a municipality. The plan shall include, but not be limited to, the specific trees that the utility has identified as a hazard and proposes to remove. The plan shall comply with local ordinances and regulations. The plan shall be submitted not less than 90 days prior to the date a utility proposes to begin tree removal. Upon receipt of the plan, the tree warden, or a designee thereof, shall notify the utility within 60 days, in writing, whether or not the plan has been approved. Upon receipt of written notification that the plan has been approved, or approved with modifications agreed to by both parties, the utility shall be exempt from the requirements of sections 3 and 5 for the work described in the approved plan.

(d) If a tree warden fails to notify a utility whether a vegetation management plan or hazard tree removal plan has been approved within 60 days of the warden's receipt of the plan, the utility may request a decision by the selectmen, mayor or chief administrative officer of the municipality.

(e) Notwithstanding approval of a vegetation management plan or hazard tree removal plan, a utility shall notify a tree warden, in writing, not less than 14 days prior to beginning maintenance work or tree removal work in a municipality. If a local ordinance or regulation requires more than 14 days notice, the utility shall comply with such ordinance or regulation.

40 The notice provided shall include the date on which the utility will begin work and the phone
41 number of the person or persons supervising the work in the field.

42 (f) The utility shall provide to the state forester, or such other person or agency as
43 designated by the secretary of energy and environmental affairs, a copy of any annual vegetation
44 management plan or hazard tree removal plan and a copy of the approval or denial letter from the
45 applicable tree warden. The state forester, or such other person or agency as designated by the
46 secretary of energy and environmental affairs, shall provide the utility an acknowledgment of
47 receipt of such plans and determinations in any manner approved by said secretary.

48 (g) The utility shall annually submit to the state forester's office a set of utility tree maintenance
49 standards and specifications and evidence that these standards have been adopted by the utility company.
50 These standards and specifications shall conform with: American National Standard Institute A-300;
51 American National Standard Institute Z-133; and National Electric Safety Code 218 Tree Trimming and
52 OSHA 29 CFR Part 1910 Line Clearance Tree Trimming Operations. The state forester, or such other
53 person or agency as designated by the secretary of energy and environmental affairs, shall make these
54 standards and specifications available to the public on their websites or other accessible locations and
55 shall accept and maintain a publicly accessible record of comments received relative to the standards and
56 specifications and shall transmit the comments to the utilities.